

MRS. ETHEL B. MORGAN

JUNE 3, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 9443]

The Committee on the Judiciary, to which was referred the bill (H.R. 9443) for the relief of Mrs. Ethel B. Morgan, having considered the same, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

AMENDMENT

On page 1, strike all of line 6, and insert in lieu thereof the following:
have been the wife and subsequently the widow (as those terms are defined in section 216 of that Act)

PURPOSE OF AMENDMENT

The purpose of the amendment is to make the language of the bill conform to the facts in the matter. Mr. Morgan did not die until 1958. Consequently, any social security benefits payable as of June 1952, as provided for in the bill, would have to be benefits payable to a wife rather than a widow.

PURPOSE

The purpose of the bill, as amended, is to provide that for the purpose of section 202 of the Social Security Act, Mrs. Ethel B. Morgan shall be held and considered to have been the wife and subsequently the widow of Elias Robons Morgan.

STATEMENT

The facts of this case and the conclusions of the House Committee on the Judiciary are set forth as follows in House Report No. 1222:

On March 23, 1935, Mrs. Ethel B. Morgan and her late husband, Elias R. Morgan, were married in the First Presbyterian Church of Easton, Pa. Prior to their marriage both Mr. and Mrs. Morgan had carefully investigated the question of whether either was under any restriction which would operate to bar the marriage, and they had determined that there were no such limitations since the prior marriage in each of their cases had been dissolved by final decrees of divorce. In fact, the couple relied on advice that they were free to marry and the issuance of a marriage license in the State capitol, Harrisburg, Pa., confirmed their belief on the point.

Mr. and Mrs. Morgan had no notice of any question concerning their marriage until 1952 when Mr. Morgan retired from his university position, and applied for social security benefits. At that time, Mrs. Morgan was denied wife's benefits on the ground that the divorce which her previous husband had secured some 23 years before in Mexico was not viewed by the Social Security Administration as having dissolved the previous marriage. Mr. Morgan passed away subsequent to this occurrence, and Mrs. Morgan is now faced with a similar problem with regard to her right to widow's benefits.

The committee has carefully reviewed the evidence filed with this committee in support of this bill, and has concluded that there is no question but that Mrs. Morgan acted in complete good faith at all times. It is clear that the first notice of any question concerning the marriage came in 1952 in the manner outlined above. The ultimate result is that this unfortunate widow has no hope of relief apart from an appeal to the Congress. This is an instance where the literal application of legal principles has operated to work an unjust hardship on a person who is innocent of any deception or wrongdoing. The committee has therefore concluded that this case merits relief and recommends that the bill be considered favorably.

This bill passed the House without a report from the affected agency, the Department of Health, Education, and Welfare. This committee has made a formal request and several informal requests for a report from that Department, but none has been forthcoming. Nonetheless, the committee feels that the equities as discussed in the House report and as they appear from the facts in the case are such as to warrant this committee's agreeing with the conclusions of the House committee. Accordingly, it is recommended that H.R. 9443, as amended, be given favorable consideration.